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EXAMINER	
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ART UNIT	**PAPER NUMBER**
2476	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/526,958	NAKATA ET AL.	
	Examiner	Art Unit	
	Andrew C. Lee	2476	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 June 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-12,15-26 and 28-39* is/are pending in the application.

4a) Of the above claim(s) *2,13-14,27,40-42* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-12,15-26 and 28-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Claims 1, 3 - 12, 15 – 26, 28 – 39 are pending.

2. Claims 2, 13-14, 27, 40 -42 have been cancelled.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Regarding claims 28 – 39, the newly amended claim subject matter "computer readable medium" and its potential functions are not defined and disclosed in the Specification. Clarification and appropriate correction are required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 28 – 39 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 28 – 39 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claim 28, the newly amended claim subject matter is merely claiming "a computer-readable medium". The claimed "medium" or readable medium" or "computer-readable medium" is not sure what it refers to, and the amended subject matter is without any explicit support descriptive context in the specification. Hence, the Office is obliged

to give claims their broadest reasonable interpretation consistent with the specification during proceedings before the Office. *See In re Zletz*, 893 F.2d 319 (Fed. Cir. 1989) (during patent examination the pending claims must be interpreted as broadly as their terms reasonably allow). The broadest reasonable interpretation of a claim drawn to a computer readable medium (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals *per se* in view of the ordinary and customary meaning of computer readable media, particularly when the specification is silent. *See* MPEP 2111.01. When the broadest reasonable interpretation of a claim covers a signal *per se*, the claim must be rejected under 35 U.S.C. § 101 as covering non-statutory subject matter. *See In re Nuijten*, 500 F.3d 1346, 1356-57 (Fed. Cir. 2007) (transitory embodiments are not directed to statutory subject matter) and *Interim Examination Instructions for Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101*, Aug. 24, 2009; p. 2.

Additionally, claims 29 – 39 are rejected under 35 U.S.C. 101, since the claims are dependent upon the independent claim 28.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 28 – 39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was **originally filed**, had possession of the claimed invention. Regarding claims 28 – 39, the newly amended claim subject matter "computer-readable medium" and its potential functions are not defined and disclosed in the Specification during the time when the application was originally filed. Clarification and appropriate correction are required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1, 3,16, 29, 4, 17,30, 5,18, 31, 6, 19, 32, 7, 20, 33, 8, 21, 34, 9, 10, 13, 15, 22, 23, 26, 28, 35, 36, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bare (US 6865160 B1) in view of Hatakeyama (US 6542468 B1).

Regarding claim 1, Bare discloses a load distributing method *("method", "load balancing"; Abstract, Fig. 1, col. 3, lines 47 – 67, col. 9, lines 45 – 56)* comprising the step of: path selection or path selection priority update for a pair of nodes, between which plural communication paths can be selected *("….be fairly distributed across all possible paths,…..The path picked will be based on cost.,….."; col. 10, lines 6 – 14)*, upon every packet input to a transmission node, based on path status information on a selectable path *("…absorbs the packet information,…....the packet data is stored either in the high priority inbound queue or the low priority inbound queue,…., forward function routes the*

received packet to the identified destination port,….."; col. 12, lines 30 – 50), except based on a time or identification information on a transmitted packet from which said path status information is effective, and based on a transmission history after the time from which said path status information is effective or a transmission history after transmission of the packet specified with transmitted packet identification information.

Bare does not disclose explicitly based on a time or identification information on a transmitted packet from which said path status information is effective, and based on a transmission history after the time from which said path status information is effective or a transmission history after transmission of the packet specified with transmitted packet identification information.

Hatakeyama in the same field of endeavor teaches based on a time or identification information on a transmitted packet from which said path status information is effective *("selecting an optimum path by obtaining an actual response time,.....", "selecting an optimum path by recording transmission data and response times per unit data length…."; Abstract, Fig. 6, col. 4, lines 52 – 60, col. 5, lines 38 – 66)*, and based on a transmission history after the time from which said path status information is effective or a transmission history after transmission of the packet specified with transmitted packet identification information *("…obtains a list of possibly available paths from the mirror server,….."; Fig. 6, col. 15, lines 35 – 65)*. At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Bare to include the features of based on a time or identification information on a transmitted packet from which said path status information is effective, and based on a transmission history after the time from which said path status information is effective or a

transmission history after transmission of the packet specified with transmitted packet identification information as taught by Hatakeyama. One of ordinary skill in the art would be motivated to do so for providing an apparatus which estimates and selects an optimum path used to transmit data and its response according to a response times per unit data length of transmission data or of response data when one node transmits service request data to another node among the plural nodes distributed via the network and the response to the transmitted data is returned from the transmission destination node to the transmission source *node (as suggested by Hatakeyama, see col. 1, lines 11 – 18).*

Regarding claims 3, **16, 29**, Bare discloses the load distributing method, node and computer-readable medium claimed wherein said path status information includes a delay of a path *("latency"; col. 10, lines 6 – 14; "storage medium", col. 4, lines 51 – 60; "CPU, FIFO, memory"; Fig. 32, col. Lines 41 – 64; col. 2, lines 22 – 31).*

Regarding claims 4, **17, 30**, Bare discloses the load distributing method, node and computer-readable medium claimed wherein said path status information includes a transmission rate of a path *("…defining the maximum rate of …."; col. 2, lines 47 – 55; "storage medium", col. 4, lines 51 – 60; "CPU, FIFO, memory"; Fig. 32, col. Lines 41 – 64; col. 2, lines 22 – 31).*

Regarding claims 5, 18, 31, Bare discloses the load distributing method, node and computer-readable medium claimed wherein said path status information includes a load of a path *("….loads fairly across all the load-balancing switch paths"; col. 9, lines 45 – 56; "storage medium", col. 4, lines 51 – 60; "CPU, FIFO, memory"; Fig. 32, col. Lines 41 – 64; col. 2, lines 22 – 31).*

Regarding claims 6, 19, 32, Bare discloses the load distributing method, node and computer-readable medium claimed correcting a transmission cost calculation result regarding a packet transmitted before updating path status information of each path, when the path status information is updated for said path selection or for said selection priority update *(col. 10, lines 6 – 14; col. 22, lines 36 – 44; "storage medium", col. 4, lines 51 – 60; "CPU, FIFO, memory"; Fig. 32, col. Lines 41 – 64; col. 2, lines 22 – 31).*

Regarding claims 7, 20, 33, Bare disclose the load distributing method, node and computer-eadable medium claimed discarding a history prior to a first packet transmitted on or after a time from which the latest path status information is effective, when a transmission cost calculation result of each path is corrected *(col. 13, lines 15 – 22, col. 22, lines 36 – 44, col. 24, lines 28 – 54; "storage medium", col. 4, lines 51 – 60; "CPU, FIFO, memory"; Fig. 32, col. Lines 41 – 64; col. 2, lines 22 – 31).*

Regarding claims 8, 21, 34, Bare discloses the load distributing method, node and computer-readable medium claimed further selecting as a packet transmission path a path having an earliest estimation value of a reception completion time at a reception node *(col. 34, lines 7 – 20; "storage medium", col. 4, lines 51 – 60; "CPU, FIFO, memory"; Fig. 32, col. Lines 41 – 64; col. 2, lines 22 – 31).*

Regarding claim 9, Bare discloses the load distributing method claimed comprising the step of selecting as a packet transmission path a path having a largest estimation value of a data amount, which can be completely received by a specific time at a reception node *(col. 13, lines 5 – 8)*.

Regarding claim 10, Bare discloses the load distributing method claimed comprising the step of interrupting data transmission according to an estimated current path status in each path *(col. 20, lines 2 – 13)*.

Regarding claim 15, Bare discloses a node *(Fig. 7, Fig. 32)* for selecting plural packet transmission paths *("load balancing"; Abstract, Fig. 1, col. 3, lines 47 – 67, col. 9, lines 45 – 56)*, comprising: monitor means for monitoring a selectable path status of each path every packet input at a transmission node and monitoring path status information on the path status *(col. 10, lines 6 – 14, col. 12, lines 35 – 59),* and memory means for storing said path status information and a packet transmission history available after said path status information is validated *("memory"; Fig. 32, col. 11, lines 41 – 64),* except a time from which the path status information is effective or packet identification information; scheduling means for estimating an arrival prediction time of a packet in each path based on said path status information and based on a packet transmission history after said path status information is validated and updating path selection or selection priority based on said estimated arrival prediction time.

Bare does not disclose explicitly a time from which the path status information is effective or packet identification information; scheduling means for estimating an arrival prediction time of a packet in each path based on said path status information and based on a packet transmission history after said path status information is validated and updating path selection or selection priority based on said estimated arrival prediction time.

Hatakeyama in the same field of endeavor teaches a time from which the path status information is effective or packet identification information *("selecting an optimum path by obtaining an actual response time,.....", "selecting an optimum path by recording transmission data and response times per unit data length…."; Abstract, Fig. 6, col. 4, lines 52 – 60, col. 5, lines 38 – 66)*; scheduling means for estimating an arrival prediction time of a packet in each path based on said path status information and based on a packet transmission history after said path status information is validated and updating path selection or selection priority based on said estimated arrival prediction time *("…obtains a list of possibly available paths from the mirror server,….."; Fig. 6, col. 15, lines 35 – 65)*. At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Bare to include the features of explicitly a time from which the path status information is effective or packet identification information; scheduling means for estimating an arrival prediction time of a packet in each path based on said path status information and based on a packet transmission history after said path status information is validated and updating path selection or selection priority based on said estimated arrival prediction time as taught by Hatakeyama. One of ordinary skill in the art would be motivated to do so for providing an apparatus which estimates and selects an optimum path used to transmit data and its response according to a response times per unit data length of transmission data or of response data when one node transmits service request data to another node among the plural nodes distributed via the network and the response to the transmitted data is returned from the transmission destination node to the transmission source *node (as suggested by Hatakeyama, see col. 1, lines 11 – 18).*

Regarding claim 22, Bare discloses the node claimed wherein said scheduling means selects as a packet transmission path a path having a largest estimation value of a data amount which can be completely received by a specific time at a reception node *(col. 12, lines 51 – 63, col. 13, lines 5 – 8).*

Regarding claim 23, Bare discloses the node claimed wherein said scheduling means interrupts data transmission according to an estimated current path status for each path *(col. 12, lines 51 – 63, col. 20, lines 2 – 13)*.

Regarding claim 26, Bare discloses the node claimed, further comprising: a table in which an address of a communications interface is associated with a destination address reachable using said communications interface *(col. 1, lines 66 – 67, col. 2, lines 1 – 12, col. 13, lines 12 – 14)*; and routing means for selecting a communications interface corresponding to a destination address of a packet to be transmitted, from said table, selecting a communications interface corresponding to said transmission source address or a communication interface from said selected communications interface when said transmission packet has a information specifying a transmission source address or a communications interface *(col. 12, lines 51 – 64; col. 13, lines 22 – 27, col. 14, lines 55 – 65)*,, and sending said transmission packet to a selected communications interface *(col. 35, lines 39 – 61, col. 37, lines 44 – 50).*

Regarding claim 28, Bare discloses a computer-readable medium storing a node control program *("the software"; col. 79, lines 50 – 65; "storage medium", col. 4, lines 51 – 60; "CPU, FIFO, memory"; Fig. 32, col. Lines 41 – 64; col. 2, lines 22 – 31)*, which is applicable to a processor-controlled node that can select plural packet transmission paths *(""CPU, FIFO, memory"; Fig. 32, col. Lines 41 – 64; col. 2, lines 22 – 31)*, said

node control program controlling the node as: monitor a selectable path status of each path for each packet input to a transmission node and monitoring path status information on said path status *("….be fairly distributed across all possible paths,…..The path picked will be based on cost.,….."; col. 10, lines 6 – 14; "…absorbs the packet information,….., the packet data is stored either in the high priority inbound queue or the low priority inbound queue,….., forward function routes the received packet to the identified destination port,….. "; col. 12, lines 30 – 59)*, and except identification information on time or packet validating said path status information; and estimate a packet arrival prediction time in each path based on said path status information and based on a transmission history of a packet after said path status information is validated and updating path selection or selection priority based on said estimated arrival prediction time.

Bare does not disclose explicitly identification information on time or packet validating said path status information; and estimate a packet arrival prediction time in each path based on said path status information and based on a transmission history of a packet after said path status information is validated and updating path selection or selection priority based on said estimated arrival prediction time.

Hatakeyama in the same field of endeavor teaches identification information on time or packet validating said path status information *("selecting an optimum path by obtaining an actual response time,.....", "selecting an optimum path by recording transmission data and response times per unit data length…."; Abstract, Fig. 6, col. 4, lines 52 – 60, col. 5, lines 38 – 66)*; estimate a packet arrival prediction time in each path based on said path status information and based on a transmission history of a packet

after said path status information is validated and updating path selection or selection priority based on said estimated arrival prediction time *("…obtains a list of possibly available paths from the mirror server,….., estimate individual and actual response time"; Fig. 6, col. 15, lines 35 – 65)*. At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Bare to include the features of identification information on time or packet validating said path status information; and scheduling means for estimating a packet arrival prediction time in each path based on said path status information and based on a transmission history of a packet after said path status information is validated and updating path selection or selection priority based on said estimated arrival prediction time as taught by Hatakeyama. One of ordinary skill in the art would be motivated to do so for providing an apparatus which estimates and selects an optimum path used to transmit data and its response according to a response times per unit data length of transmission data or of response data when one node transmits service request data to another node among the plural nodes distributed via the network and the response to the transmitted data is returned from the transmission destination node to the transmission source *node (as suggested by Hatakeyama, see col. 1, lines 11 – 18).*

Regarding claim 35, Bare discloses the node control program claimed, further controlling said scheduling means so as to select as a packet transmission path a path having a largest estimation value of a data amount which can be completely received by a specific time at a reception node *(col. 12, lines 51 – 63, col. 13, lines 5 – 8)*..

Regarding claim 36, Bare discloses the computer-readable medium claimed, further controlling said scheduling means so as to interrupt data transmission according

to an estimated current path status for each path *(col. 12, lines 51 – 63, col. 20, lines 2 – 13)*.

Regarding claim 39, Bare discloses the computer-readable medium claimed further operating as routing means that: selects a communications interface corresponding to a destination address of a packet to be transmitted, from a table in which an address of a communications interface is associated with a destination address reachable using said communications interface *(col. 1, lines 66 – 67, col. 2, lines 1 – 12, col. 13, lines 12 – 14)*, selects a communications interface corresponding to said transmission source address or a communications interface, from said selected communications interface when said transmission packet has information specifying a transmission source address or a communications interface *(col. 13, lines 22 – 27, col. 14, lines 55 – 65)*, and transmits said packet to be transmitted, to said selected communications interface *(col. 35, lines 39 – 61, col. 37, lines 44 – 50).*

9. Claims 11, 24, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bare (US 6865160 B1) and Hatakeyama (US 6542468 B1) as applied to claims 1, 10, 15, 23, 28, 36 above, and further in view of Gurleg et al. (US 7539142 B1).

Regarding claims 11, 24, 37, the combined system of Bare and Hatakeyama does not disclose explicitly wherein a condition for interruption of said data transmission is that an estimated reception completion time is equal to or greater than a specific value.

Gurleg et al. in the same field of endeavor teach wherein a condition for interruption of said data transmission is that an estimated reception completion time is

equal to or greater than a specific value *(Fig. 1, col. 8, lines 41 – 57)*. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Bare and Hatakeyama to include the features wherein a condition for interruption of said data transmission is that an estimated reception completion time is equal to or greater than a specific value as taught by Gurleg et al. in order to provide a telecommunication systems and subsystems thereof, and is
particularly directed to an efficient storage capacity, differentially clocked buffer-based digital communication mechanism for interfacing a first time domain over which a relatively high clock rate sequential data stream, such as a 100 MHz data stream supplied by an Ethernet-based local area network (LAN) is transported, with a relatively low time domain having a digital communication link, operating at a relatively lower clock rate, such as a T3 communication link operating at 44.736 MHz, and for interfacing a T3 rate data stream received from the T3 link with the higher data rate Ethernet-based local area network *(as suggested by Gurleg, see col. 1, lines 6 – 18).*

10. Claims 12, 25, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bare (US 6865160 B1) and Hatakeyama (US 6542468 B1) as applied to claims 1, 15, 28, above, and further in view of Greenberg et al. (5878026).

Regarding claims 12, 25, 38, the combined system of Bare and Hatakeyama does not disclose explicitly wherein path selection or transmission interruption is determined according to a policy different for each attribute of transmission data.

Greenberg et al. in the same field of endeavor teach wherein path selection or transmission interruption is determined according to a policy different for each attribute of transmission data *(Fig. 9, col. 3, lines 23 – 36, lines 48 – 65; col. 6, lines 35 – 46).* It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Bare and Hatakeyama to include the features of wherein path selection or transmission interruption is determined according to a policy different for each attribute of transmission data as taught by Greenberg et al. in order to provide communication networks, and more specifically to the allocation of resources between book-ahead and instantaneous-request calls in an integrated-services network *(as suggested by Greenberg et al., see col. 1, lines 6 – 9).*

Response to Arguments

11. Applicant's arguments filed on 06/23/2010 with respect to claims 1, 3 - 12, 15 – 26, 28 – 39 have been fully considered but they are not persuasive.

Regarding claim 1, Applicant argues "In claim 1, the communication paths are decided making reference to the transmission history. While the transmission history includes information relating to a time at which the transmission has taken place, because it is a history, applicants submit that Hatakeyama does not teach that such timing information is employed for a particular purpose, that is, for deciding a certain matter.

Hatakeyama utilizes the sample of the response time, the acquisition of which, needless to say, was performed in the past. However, applicants have found no teaching in Hatakeyama of utilizing such transmission timing thereby to decide the communication path."

In response to the Applicant's remark, Examiner respectfully disagrees.

Examiner contends the combined system of references Bare and Hatakeyama teaches the claim subject matter the communication paths are decided making reference to the transmission history. It is reminded that one with ordinary skill in the art is to give

claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). It also reminded that claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily.

As disclosed in the claim, Examiner interpreted “based on a transmission history after the time from which said path status information is effective or a transmission history after transmission of the packet specified with transmitted packet identification information” as “selecting an optimum path by obtaining an actual response time,.....", “selecting an optimum path by recording transmission data and response times per unit data length”……”, and “obtains a list of possibly available paths from the mirror server,….., estimate individual and actual response time”; see Hatakeyama, col. 4, lines 52 – 60, col. 5, lines 38 – 66, Fig. 6, col. 15, lines 35 – 65.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571)272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew C Lee/
Examiner, Art Unit 2476
<4Q10:8_27_2010>

/Ayaz R. Sheikh/
Supervisory Patent Examiner, Art Unit 2476